

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

J.G. WENTWORTH SSC)	CASE NO. 1:01-cv-00192-HJW
LIMITED PARTNERSHIP,)	
)	JUDGE WEBER
Plaintiff,)	
)	<u>MEMORANDUM IN SUPPORT OF</u>
vs.)	<u>MOTION FOR ORDER THAT</u>
)	<u>FUNDS BE DEPOSITED WITH</u>
LINDA CALHOUN WILLIAMS,)	<u>COURT IN ESCROW ACCOUNT</u>
)	
Defendant.)	

On or about February 29, 1996, Wentworth entered into a Purchase Agreement with Ramona Calhoun to purchase periodic payments owed under annuity policy no. 430,597 issued by First Colony Life Insurance Company. Wentworth paid Ramona Calhoun the total purchase price of \$122,168.85. In exchange, Calhoun agreed to irrevocably transfer to Wentworth some periodic payments beginning on 4/1/1996 and ending on 11/1/2005 and lump sum payments due to be received in November 2000, November 2005, November 2010, and November 2015. After filing this lawsuit, Defendant agreed to escrow all funds received. (A copy of the Probate Court's Order is attached hereto as Exhibit B and made a part hereof.)

This matter was tried in May, 2003. To date, this Court has not yet entered a decision on Wentworth's claims. Since at least June 2001, the periodic payments and at least one lump sum payment have been distributed to Linda Calhoun-Williams in her capacity as executor and fiduciary of the Estate of Ramona Calhoun. To date, Linda Calhoun-Williams has made no accounting of those monies, and there has been no confirmation of the deposit of those

monies in the inappropriate account. Counsel for Wentworth has attempted for months to verify that the monies have been properly set aside, without success. Therefore, Wentworth requests that this Court immediately order an accounting from Linda Calhoun-Williams of all monies set aside, and that this Court order that all monies (including all monies previously set aside) be deposited with this Court, pending resolution of Wentworth's claims. (A proposed Judgment Entry is attached hereto.)

Respectfully submitted,

/s/ James S. Wertheim

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